

ATTORNEY DOCKET NO.  
19447-P001CP

PATENT  
APPLICATION NO. 09/435,657



**DECLARATION AND POWER OF ATTORNEY FOR  
PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**PHOTONIC HOME AREA NETWORK**

the specification of which (check one)

- ☐ is attached hereto.
- ☒ was filed on November 8, 1999  
as Application Serial No. 09/435,657  
and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

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Prior Foreign Application(s):

Priority Claimed

_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Number)	(Country)	(Day/Month/Year)		

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/607,964</u>	<u>02/29/96</u>	<u>PENDING</u>
(Application Serial #)	(Filing Date)	(Status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

James J. Murphy, Reg. No. 34,503; Bill R. Naifeh, Reg. No. 44,962; Barry S. Newberger, Reg. No. 41,527; Henry L. Ehrlich, Reg. No. 39,663; Dwayne Mason, Reg. No. 38,959; Charles J. Rogers, Reg. No. 38,286; Robert C. Shaddock; Peter R. Lando, Reg. No. P45,513; Ross S. Garsson, Reg. No. 38,150; and Kelly Kordzik, Reg. No. 38,620.

Send correspondence to: James J. Murphy, 5400 Renaissance Tower, 1201 Elm Street, Dallas, Texas 75270-2199, and direct all telephone calls to at (214) 745-5374.

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APPLICATION NO. 09/435,657

FULL NAME OF SOLE OR FIRST INVENTOR: **JOHN L. TOMICH**

INVENTOR'S SIGNATURE: *John L. Tomich*

DATE: 1/20/2000

RESIDENCE: **614 Meadow View Lane  
Coppell, Texas 75019**

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: (Same as Residence)

FULL NAME OF SECOND INVENTOR: **MICHAEL J. VONAHNEN**

INVENTOR'S SIGNATURE: *Michael J. VonAhnen*

DATE: 1/22/2000

RESIDENCE: **6724 Golddust Trail  
Dallas, Texas 75252**

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: (Same as Residence)

FULL NAME OF THIRD INVENTOR: **MICHAEL B. SCHEEHAN**

INVENTOR'S SIGNATURE: *M. Scheehan*

DATE: 1/22/00

RESIDENCE: **24A Rhea Mills Circle  
Prosper, Texas 75078**

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: (Same as Residence)

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1122:12179-P064P1

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c)) -- SMALL BUSINESS CONCERN**

Docket Number (Optional)  
19447-P001CP

Applicant or Patentee: John L. Tomich

Title: PHOTONIC HOME AREA NETWORK

Filed or Issued: November 8, 1999

Applicant or Patent No.: 09/435,657

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Throughput Holdings, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 614 Meadowview Lane, Coppell, Texas 75019

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that the rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☐ the specification filed herewith with title as listed above.

☒ the application identified above.

☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

☒ no such person, concern, or organization exists.

☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING John L. Tomich

TITLE OF PERSON IF OTHER THAN OWNER President CEO

ADDRESS OF PERSON SIGNING 614 Meadowview Lane, Coppell, Texas 75019

SIGNATURE John L. Tomich DATE 1/20/2000